

1 Peter J. Whalen (SBN 130041)
2 Robert M. Fineman (SBN 188211)
3 Terrance J. Evans (SBN 227671)
4 **DUANE MORRIS LLP**
5 One Market, Spear Tower, Suite 2000
6 San Francisco, CA 94105-1104
7 Telephone: 415.957.3000
8 Facsimile: 415.957.3001
9 E-Mail: pjwhalen@duanemorris.com
10 rmfineman@duanemorris.com
11 tjevans@duanemorris.com

12 Attorneys for Defendant,
13 Great American E&S Insurance Company, an Ohio
14 Corporation, fka Agricultural Excess and Surplus
15 Insurance Company

16 **IN THE UNITED STATES DISTRICT COURT**

17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 HDI-GERLING AMERICA INSURANCE
19 COMPANY, a New York Corporation,

20 Plaintiff,

21 v.

22 HOMESTEAD INSURANCE COMPANY, an
23 Pennsylvania Corporation; GREAT AMERICAN
24 E&S INSURANCE COMPANY, an Ohio
25 Corporation, formerly known as AGRICULTURAL
26 EXCESS AND SURPLUS INSURANCE
27 COMPANY, and DOES 1-10,

28 Defendants.

Case No.: CV-08-1716 PJH

29 **JOINT STIPULATION AND
30 PROPOSED ORDER TO CONTINUE
31 DATES FOR INITIAL CASE
32 MANAGEMENT CONFERENCE,
33 INITIAL DISCLOSURES AND RULE
34 26(f) REPORT**

35 Complaint Filed: March 31, 2008

36 IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their
37 undersigned attorneys, that a continuance of the initial case management conference, service of
38 initial disclosures, the filing of the Rule 26(f) Report, and the deadline for the parties to meet and
39 confer is appropriate so that the parties can focus on the briefing of defendants' separate motions to
40 dismiss pursuant to FRCP 12(b)(6), which are set for hearing on July 9, 2008. Because these
41 motions raise ultimate questions of law, and no answers have been filed, the parties believe it would
42 be appropriate and most efficient to re-schedule the deadlines for meeting and conferring, filing the

1 Rule 26(f) Report, completing initial disclosures or stating objections in Rule 26(f) and filing the
 2 Case Management Statement and the date for the initial case management conference from the dates
 3 initially set in the Court's March 31, 2008 ADR Scheduling Order until dates after the hearing on the
 4 FRCP 12(b)(6) motions on July 9, 2008. The parties propose the following new dates:

5

6 Current Date	7 Proposed New Date	8 Event
9 06/12/2008	10 07/17/2008	11 Last day for parties to meet and confer regarding initial disclosures or objections under Rule 26(f) and Case Management Statement
12 06/26/2008	13 07/31/2008	14 Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) and file Case Management Statement
15 07/03/2008	16 08/07/2008	17 INITIAL CASE MANAGEMENT CONFERENCE

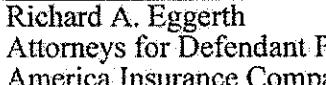
18 Dated: June 5/14, 2008

19 DUANE MORRIS LLP

20 
 21 Robert M. Finerman
 22 Attorneys for Defendant Great American E&S
 23 Insurance Company

24 Dated: June , 2008

25 MORALES FIERRO & REEVES

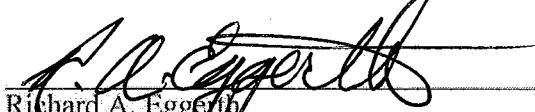
26 
 27 Richard A. Eggerth
 28 Attorneys for Defendant Plaintiff HDI-Gerling
 America Insurance Company

29 Dated: June , 2008

30 CHARLESTON REVICH & WOLLITZ LLP

31 
 32 Howard Wollitz
 33 Attorneys for Defendant Homestead Insurance
 34 Company

1 Rule 26(f) Report, completing initial disclosures or stating objections in Rule 26(f) and filing the
 2 Case Management Statement and the date for the initial case management conference from the dates
 3 initially set in the Court's March 31, 2008 ADR Scheduling Order until dates after the hearing on the
 4 FRCP 12(b)(6) motions on July 9, 2008. The parties propose the following new dates:
 5

6 Current Date	7 Proposed New Date	8 Event
9 06/12/2008	10 07/17/2008	11 Last day for parties to meet and confer regarding initial disclosures or objections under Rule 26(f) and Case Management Statement
12 06/26/2008	13 07/31/2008	14 Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) and file Case Management Statement
15 07/03/2008	16 08/07/2008	17 INITIAL CASE MANAGEMENT CONFERENCE
18 Dated: June <u>7th</u> , 2008	19	20 DUANE MORRIS LLP  21 Robert M. Finerman 22 Attorneys for Defendant Great American E&S 23 Insurance Company
24 Dated: June <u>8th</u> , 2008	25	26 MORALES FIERRO & REEVES  27 Richard A. Eggerth 28 Attorneys for Defendant Plaintiff HDI-Gerling America Insurance Company
29 Dated: June _____, 2008	30	31 CHARLSTON REVICH & WOLLITZ LLP
32	33	34
35	36	37
38	39	40
41	42	43
44	45	46
47	48	49
50	51	52
53	54	55
56	57	58
59	60	61
62	63	64
65	66	67
68	69	70
71	72	73
74	75	76
77	78	79
80	81	82
83	84	85
86	87	88
89	90	91
92	93	94
95	96	97
98	99	100

1 [PROPOSED] ORDER
2
3
4
5

AND NOW, to enable the parties to focus on the briefing and resolution of the Defendants' separate FRCP 12(b)(6) motions, and for other good cause shown, it is ORDERED that the ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES is amended as follows:

6
7 Date Event
8 07/17/2008 Last day for parties to meet and confer
9 regarding initial disclosures or objections under
Rule 26(f) and Case Management Statement
10 07/31/2008 Last day to file Rule 26(f) Report, complete initial
11 disclosures or state objection in Rule 26(f) and file
Case Management Statement
12 08/07/2008 INITIAL CASE MANAGEMENT CONFERENCE
13
14 Dated: _____ AND IT IS SO ORDERED:
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PHYLLIS J. HAMILTON
Judge of the United States District Court
Northern District of California